

7 CFR PART 250.8

## **CHAPTER II**

### **ELIGIBILITY**

Federal law authorizes the following types of organizations to participate in the Food Distribution Program (FDP):

- Public and private nonprofit schools that serve children from preschool through high school
- Residential Child Care Institutions (Juvenile Halls and Group Homes)
- Summer Food Programs

Agencies that participate in one or more of the eligible organizations listed above, that are not currently participating in the FDP may obtain an application by contacting:

**California Department of Education  
Nutrition Services Division  
Resources and Information Management Unit  
1430 "N" Street, Room 1500  
Sacramento, CA 95814  
(800) 952-5609**

New agencies that are eligible but are not currently participating in any of these programs, may obtain information and application packets from the contact information listed above. The FDP application is part of the program application packet.

Application forms and other documents vary according to the type of agency. Potential applicants are screened to determine eligibility to participate, prior to receiving an application packet.

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7 CFR PARTS 250.3 250.8(a), 250.11, 250.48

**A. NATIONAL SCHOOL LUNCH PROGRAM**

*Public and private schools of preschool, elementary, and high school levels that participate in the National School Lunch Program (NSLP) are eligible to receive donated foods.*

*Nonprofit public or private residential child care institutions which operate principally for the care of children that participate in the NSLP are eligible to receive donated foods. The term residential care institutions includes: homes for the mentally, emotionally or physically impaired, unmarried mothers and their infants, group homes, halfway houses, orphanages, temporary shelters for abused and runaway children, juvenile detention centers, and long term care facilities for chronically ill children.*

To participate in this program, an agency must enter into an agreement with the Nutrition Services Division of the California Department of Education. The agency must serve complete lunches on a daily basis to students who meet NSLP requirements for a reimbursable lunch.

**REIMBURSABLE LUNCH**

“Lunch” is defined as a meal which meets the nutrient standards and the appropriate nutrient and calorie levels designated in 7 CFR 210.10(k)(2) or the school lunch pattern for specified age/grade groups of children as designated in 7 CFR 210.10(a).

In order to qualify for reimbursement, all lunches served to children age 2 and older shall, at a minimum, meet the nutrition standards provided in 7 CFR 210.10(b) and appropriate level of calories and nutrients provided for in either 210.10(c) or (l)(1) for Nutrient Standard Menu Planning and Assisted Nutrient Standard Menu Planning. Sponsors participating under the Food Based Menu Planning option must adhere to standards outlined in 7 CFR 210.10(d).



## 7 CFR PART 225

### **B. SUMMER FOOD SERVICE PROGRAM**

*To participate in the Summer Food Service Program and receive donated food, an agency must have entered into an agreement with the California Department of Education, Nutrition Services Division, and signed the "Agreement for Distribution of Donated Food Summer Food Service Program" attachment.*

To be eligible for the SFSP **and** receive donated food, an agency must meet all of the following requirements:

1. You must be a public or private non-profit entity.
  - A. Schools are eligible to receive commodities, and one school can vend for another school.
  - B. Private nonprofit sponsors are eligible to receive commodities provided the sponsor has an on-site cooking program **or** central kitchen **or** contracts with school or school district to prepare its meals.
  - C. Sponsors are not eligible to receive donated commodities if the sponsor intends to contract with a private vendor or company to have its meals prepared. **Exceptions** are school food authority sponsors that procure SFSP meals from the same food service management company that competitively provided its most recent NSLP meals.
2. You must provide an ongoing, year-round service to the community.
3. You must not have been seriously deficient in operating the program in prior years.
4. You must demonstrate financial capability for program operations and accept final financial responsibility for total program operations.
5. You must certify that all sites serving food have facilities adequate for the number of children and type of meal service you plan for the site.
6. You must conduct a regularly scheduled food service for children from areas that are documented as having poor economic conditions.
7. If you operate a summer school, you must be open to serve other children in addition to those enrolled in the accredited school program or serve children outside the hours of operation of the summer school.
8. You must adequately manage and monitor each site. Supervisory personnel must visit each site at least once in the first week of the program's operation, at least once more during the next three weeks, and often enough thereafter to maintain a reasonable level of site monitoring.

9. You must take prompt action to correct deficiencies found during any visit.
  10. You must complete USDA monitoring forms.
  11. You must certify that all sites have been visited.
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If an agency has been approved to receive donated foods, an offering and Unused Commodity Report will be sent to the agency. (See end of Chapter III for an example of offering.) Instructions on how to complete the forms will accompany the offering.

#### 7 CFR PARTS 250.21, 250.22

### **C. CIVIL RIGHTS**

*Agencies participating in the federal child and adult nutrition programs must agree to comply with all related civil rights regulations. The intent of the Civil Rights laws is that discrimination against any person because of race, color, national origin, sex, age, religion, or disability will not be allowed.*

All agencies **MUST**:

1. Appoint a Civil Rights Coordinator who will:
  - Provide training and implement procedures to determine and process civil rights complaints.
  - Develop a method to collect racial and ethnic data. It may be permissible to use visual identification, personal knowledge, or voluntary self-identification by an applicant to obtain racial and ethnic data.
  - Ensure that special meals are made available to disabled children who have a medical statement on file documenting that their disability restricts their diet.

- Make available to the public, and upon request to participants and potential participants, information about program requirements and the procedures for filing a complaint in English and/or in the appropriate language to non-English speaking persons.
- Include in a prominent place on all informational releases, publications, and posters concerning nutrition program activities, the following nondiscrimination statement:

***In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.***

***To file a complaint of discrimination, write:***

***USDA, Director  
Office of Civil Rights, Room 326-W  
Whitten Building  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410***

***Or call (202) 720-5964 (voice and TDD).  
USDA is an equal opportunity provider  
and employer.***

All published information and other forms of communication, such as radio and television announcements, that are made available to the public and are related to federally-funded child and adult nutrition programs, shall include this statement. The full statement does not have to be in the same font size as the text of the material, but the text must be large enough to be readable. Sponsors must place the statement in a prominent location in each publication, including leaflets, brochures, bulletins, and newspaper announcements.

The statement shall be in English and in all languages appropriate to the local population, including alternative means of communication such as Braille, large print, or audiotape.

If the document is one page and there is no room to print the full nondiscrimination statement, agencies may use the following short version:

***This institution is an equal  
opportunity provider.***

This version must be the same print size as the rest of the text.

The Civil Rights Coordinator must also ensure that:

- Civil Rights posters are displayed in areas visible to program recipients such as the food service area and sponsor's office (except in Day Care Homes).
- The nondiscrimination statement is included on all program materials that are made available to the public (except menus).
- A public release announcing the availability of the nutrition program was sent to public media and community/grass roots organizations.
- An appropriate language translation is available when a significant number of persons in the population speak only a non-English language.
- A system is in place that prevents staff from incorrectly denying applications of minority and disabled persons.
- A system is in place to handle complaints alleging discrimination.
- Admission procedures do not restrict enrollment by minority persons or persons with disabilities.
- Disabled students have equal access to the programs.

Refer complaints alleging discrimination on the basis of religion in any of the child and adult nutrition programs to:

**California Department of Education  
Office of Equal Opportunity  
1430 N Street, 5<sup>th</sup> Floor  
Sacramento, CA 95814**

## Racial and Ethnic Categories

Under new Civil Rights policy for child nutrition programs, there are now only five racial categories. By 2003, sponsors must offer households the option of selecting one or more of the following five racial categories:

### **American Indian or Alaska Native –**

A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

**Asian** - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, The Philippine Islands, Thailand, and Vietnam.

**Black or African American** - A person having origins in any of the black racial groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to "Black or African American."

### **Native Hawaiian or Other Pacific Islander**

- A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**White** - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

These five categories are the minimum set for data on race for federal statistics, program administrative reporting, and civil rights compliance reporting. However, OMB expects agencies to attempt to obtain all races with which an individual identifies.

**Hispanic** is now an ethnic category. All forms must include a space for indicating that within any of the five racial categories, whether the recipient is also included in either the Hispanic or Latino ethnic category. A multiple response that indicates ethnic heritage that is "Hispanic or Latino" and "Not Hispanic nor Latino" is not permitted. This category is defined as follows:

**Hispanic or Latino** - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term, "Spanish origin" can be used in addition to "Hispanic or Latino."

